

**LOUISIANA BOARD OF VETERINARY MEDICINE
BOARD MEETING
December 6, 2018**

Minutes

I. CALL TO ORDER

Board President, Dr. William H. Green, called the meeting to order at 8:40 a.m.

II. ROLL CALL –

Roll call was taken by Board Secretary-Treasurer, Dr. Keri Cataldo, with the following results:

Those present:

William H. Green, DVM	Board President
James R. Corley, DVM	Board Vice President
Keri A. Cataldo, DVM	Board Secretary-Treasurer
Joseph Bondurant, Jr., DVM	Board Member
Alfred G. Stevens, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent: None.

Guests: LVMA – Amanda Perkins, DVM, Bland O'Connor
LA Dept. of Agriculture – John Walther

III. APPROVAL OF MINUTES

A. Board Meeting October 4, 2018

The Board reviewed the minutes from October 4, 2018. Motion was made to accept the minutes as presented by Corley, seconded by Dr. Cataldo, and passed unanimously by voice vote.

IV. FINANCIAL MATTERS AND CONTRACTS

A. Financial Reports - Ms. Parrish and Dr. Cataldo presented the financial reports for the months of September and October 2018 for review. Following discussion, motion was made by Dr. Corley to accept the financial reports as presented, seconded by Dr. Bondurant, and passed unanimously by voice vote.

B. FY 2020 Proposed Budget – Ms. Parrish presented proposed budget for FY2020 for review. Following discussion of income and expenditure projections, motion was made by Dr. Corley, to accept the proposed budget as presented seconded with adjustment for expenditures for online renewal programming, seconded by Dr. Bondurant, and passed unanimously by voice vote.

C. Website Online Programming Proposal – Ms. Parrish presented proposals for online renewal programming with DeziGnInteractive. Proposed estimate for programming is \$11,200-\$15,150, with additional costs for interface with online financial payment vendor. Dr. Cataldo requested samples of other online projects by

the company for review. Provided positive review of vendor samples, motion was made by Dr. Corley, seconded by Dr. Stevens, to proceed with proposed online programming as outlined in the estimate. Motion passed unanimously by voice vote.

V. DVM ISSUES

Motion was made by Dr. Cataldo to go into executive session to discuss confidential matters regarding licensees and applicants not subject to public disclosure as per the law, seconded by Dr. Corley, and passed unanimously by voice vote.

Upon conclusion of executive session, motion was made to return to regular session by Dr. Cataldo, seconded by Dr. Corley, and approved unanimously by voice vote.

- A. Andrew C. Lewin, DVM – Request for Active DVM Status** – Following review of the documentation submitted Dr. Lewin, currently licensed as LA DVM Faculty veterinarian, motion was made by Dr. Corley, seconded by Dr. Cataldo, to approve Active DVM Status with **approved** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote

VI. DVM APPLICANT ISSUES

- A. Preston Carl Roberts, III, DVM – Reconsider Request Waiver of Retake of National Examination and Preceptorship Requirement** – 1968 graduate of Texas A&M University, licensed in Arkansas, previously licensed in Louisiana and Colorado. Following review of the additional documentation submitted by Dr. Roberts, motion was made by Dr. Stevens, seconded by Dr. Bondurant, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- B. Manda Tibbett Burnett, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2005 graduate of Mississippi State University College of Veterinary Medicine, licensed in Arkansas and Mississippi. Following review of the documentation submitted by Dr. Burnett, motion was made by Dr. Bondurant, seconded by Dr. Cataldo, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.
- C. Lauren Patrice Guarneri, DVM – Request Waiver of Retake of National Examination and Preceptorship Requirement** – 2010 graduate of University of Edinburgh, UK, licensed in Wisconsin, United Kingdom, previously licensed in New York. Following review of the documentation submitted by Dr. Guarneri, motion was made by Dr. Stevens, seconded by Dr. Corley, to **deny** the waiver requests as the documents provided do not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

D. Cynthia Loomis, DVM – Reconsider Request Waiver of Retake of National Examination and Preceptorship Requirement – 2004 graduate of the University of Illinois, licensed in Arkansas, Indiana and many other states. Following review of the additional documentation submitted by Dr. Loomis, motion was made by Dr. Cataldo, seconded by Dr. Stevens to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

E. Brian Nelson Warr, DVM – Request for Waiver of Retake of National Examination and Waiver of Preceptorship Requirement – 2013 graduate of University of Georgia, College of Veterinary Medicine, licensed in Georgia, Alabama, Mississippi and Alberta. Following review of the documentation submitted by Dr. Warr, motion was made by Dr. Cataldo, seconded by Dr. Bondurant, to **approve** waiver of retake of the national examination and preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

F. Brandon Taylor Armwood, DVM – Request for Waiver of Preceptorship Requirement – 2017 graduate of North Carolina State University, licensed in Georgia. Following review of the documentation submitted by Dr. Armwood, motion was made by Dr. Corley, seconded by Dr. Bondurant, to **deny** the waiver request as the documents provided do not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

G. Rebecca Marie Davis, DVM – Request for Waiver of Preceptorship Requirement – 2017 graduate of LSU School of Veterinary Medicine, licensed in Arkansas. Following review of the documentation submitted by Dr. Davis, motion was made by Dr. Cataldo, seconded by Dr. Stevens, to **deny** the waiver request as the documents provided do not meet the criteria of full-time clinical veterinary practice for the required period of time immediately prior to application. Motion passed unanimously by voice vote.

VII. POLICY, PROCEDURE, AND RULES

A. General Update.

1. Implementation of the effect of applicable new laws enacted in the 2018 Regular Legislative Session will be instituted by Board. More specifically, Mr. Tomino is working on the Quarterly Complaint Report required by Act 655. This Report will also assist in any sunset review which the Board may be called upon to participate in.

2. The Legal Counsel’s “to do list” is being prepared by Mr. Tomino for an easy transition for the new Board Counsel upon Mr. Tomino’s upcoming retirement. Board files, whether open or closed, will be returned to the Board office upon such retirement.

B. Policy and Procedure.

1. With regards to questions received on the use of CBD oil, calming agents, and phytocannabinoids in the practice of veterinary medicine, as referenced in this and past Minutes, per the Board's administrative jurisdiction, it has decided to not make any statement/post any notice on this subject matter, until such confusion is resolved by the governmental entities with primary jurisdiction and the results confirmed to the Board's satisfaction. Accordingly, such position will be published in the 2018 Winter edition of the Board's *Newsletter*.

It is interesting to note that the LA Board of Pharmacy has recently published a statement with regards to its jurisdiction over dispensaries in that the use of such products in general is not legal. The Statement is the best evidence of its content. The Statement can be found on the LA Board of Pharmacy's website.

C. Practice Act, Rules/Related Matters/Declaratory Statements.

1. The Board received information and queries from various sources regarding the national Veterinary Nurse Initiative movement. There currently exists practical and legal issues in LA regarding this subject matter. The Board has the issues of the lawful tasks/duties of a LA registered veterinary technician (RVT) and the lawfully delegated tasks/duties of a lay person under review and consideration at the present time. These two (2) terms (RVT and lay person) are used in our Practice Act and Rules. There are educational and experience issues involved as well for the requirements for becoming an RVT beyond the AVMA accredited programs. In the future, a rule-making effort will be conducted by the Board to implement its conclusions regarding this subject matter.

The inclusion of a "nurse" category, or perhaps substitution of "nurse" for RVT, may present further practical and legal problems. At present, the legal authority in LA legally would recognize a "nurse" as a "lay person." The Board will consider the term "nurse" in the consideration of its rule-making function when such occurs. The Board understands that interested persons, in effect, wish to eliminate the confusion when the term "veterinary technician" is used interchangeably in practice with the term "Registered Veterinary Technician." Such is clearly understood by the Board, as well as its potential confusion to the public.

The law does not allow an RVT or lay person to perform animal diagnosis, the prescribing of treatment or medications, or any surgical procedures. It is anticipated that the inclusion of the term "nurse" in LA, if such does occur, will not change such prohibition as applied to the task/duties of this new or substitute entity. It is the legal authority enforced by the Board, as a state agency, which controls the certification (and title) of an applicant/qualified person to practice in this state, not the name adopted by or used in the educational and/or business arenas. When the Board pursues its rule-making authority regarding RVT and/or lay person duties and tasks in the future, and nurse (if such is addressed), the proposed rules will be open to public comment for the Board's consideration before any proposed rule would become final.

2. In a briefly described scenario presented to the Board, the response is that one veterinarian cannot act as a "pharmacy" for another; in other words, one veterinarian (with a valid VCPR) cannot prescribe a medication for a patient, and then the client go to another veterinarian (without a VCPR) and have the prescription filled there. Stated otherwise, there must be a valid VCPR by the attending veterinarian doing the prescribing/dispensing (please see Rule 700 where veterinarian must be familiar with the patient by having

recently examined the patient and/or the patient's records, and Rule 705A 1 and 2 regarding prescribing legend and controlled substances); and, for a second veterinarian/facility to fill the prescription, he/it must be licensed as a pharmacist/pharmacy with the LA Board of Pharmacy. The Board's decision not prohibit the described scenario as it applies to veterinarians of the same facility or multiple facility locations of the same practice.

3. The Board received a question from a client regarding prescriptions and the legality of charging a fee. The Board responded by stating that once the veterinary-client-patient relationship (VCPR) has been established with the client and the client directly requests a prescription from the veterinarian, the veterinarian has an obligation to provide the prescription to the client, if in his medical judgment such is appropriate for the care of the animal. But, a veterinarian is not required to write a prescription at the request of the dispensing entity/pharmacy. Such a position is based upon the fact that there is no VCPR between the proposed dispensing entity/pharmacy and the veterinarian. In addition, the veterinarian is not required to send the prescription to the dispensing entity/pharmacy, but can request that his client obtain the prescription and then the client can submit it to the dispensing entity/pharmacy of her choice. However, a veterinarian cannot refuse to write a prescription at the request of the client solely on the basis that another entity will gain revenue that the veterinarian would otherwise earn.

With regards to the legality of a prescription fee, pursuant to Rule 1039A, a veterinarian is required to "conduct his practice on the highest plane of honesty, integrity, and fair dealing with his clients in time and services rendered and in the amount charged for his services, facilities, appliances, and drugs." Additionally, the Principles of Veterinary Medical Ethics, more particularly Principle VIII.A, also provides that veterinarians are entitled to charge fees for their professional services, including reviewing the medical records and writing a prescription.

With this stated, the Board would apply a "fair and reasonable" standard with regards to whether or not a specified amount constitutes a permissible fee. The time and involvement in reviewing files and writing prescriptions may vary from case to case depending on various factors. Therefore, the Board will make a determination of what is "fair and reasonable" with regards to a fee for prescription writing based upon the facts of the situation presented.

4. The Board received a question from a veterinarian regarding an RVT performing chemical euthanasia. A registered veterinary technician (RVT) registered by the Board in LA may perform chemical euthanasia only under the supervision of a LA licensed veterinarian, and then only at the veterinary facility. Otherwise stated, the RVT may NOT go to the client's/patient's home to perform this veterinary service. The inquiring veterinarian was reminded of the (supervising) veterinarian's obligations regarding the Euthanasia Consent Form and the prior meeting with the client regarding the euthanasia to explain what is about to occur. It was further suggested that Rule 1039.E regarding such protocol be carefully reviewed which can be found on the Board's website.

5. The Board received a question from a veterinarian regarding confinement of a rabies vaccinated dog after it bites a human, as well as direction on notification to the local authorities. In this case, the dog was being examined/treated and bit the tech. The owner wanted the return of the dog. Unfortunately, the Board cannot provide advisory opinions.

However, with that stated, it was suggested that the veterinarian review the ancillary law on dog bites (under rabies control) and the required confinement, and generally by whom, which can be found on the Board's website listed after the Practice Act and the Rules. Also, with regards to issues on dog bites, including animal control notification, it was suggested that the veterinarian contact his local public health official, or the local government animal control, regarding such matters. The State Sanitary Code delegates certain authority to local government to make its own law/ordinance further governing the subject matter of this query.

6. From time to time the Board receives the question regarding abandonment, whether for lack of payment or otherwise. Again, the Board cannot provide advisory opinions. The inquiring veterinarian was informed that the LA statute on abandonment/lack of payment is a "legal privilege" under the law which means it is "strictly construed." Accordingly, the elements of the procedure must be followed to the letter of the law. Therefore, it is respectfully suggested that the inquiring veterinarian in this case should perhaps contact his civil attorney regarding the requirements of the statute regarding notice. Should a complaint later be filed with the Board by the client against him, the issue of compliance will be under review and he will be requested to respond per protocol. The abandonment/lack of payment statute was enacted by the State Legislature and may also be found on the Board's website

VIII. MISCELLANEOUS MATTERS

A. New Licenses and Certificates Issued:

Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

DVM

3615	Virginia Scurlock	Wiman
3616	Kevin	Puzycki
3617	Caitlin Elizabeth	Mascaro
3618	Kimiko-Holland Alexander	Dixon
3619	Genie Maria	Kimmel
3620	Krista Michelle	Miller
3621	Armando Luis	Moya
3622	Pierce Edward	Durov
3623	Caroline Anderson	Habrun

Faculty DVM

148	Chun Kuen	Mak
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RVT

8437	Marie Angelle	Rider
8438	Kaylee Nicole	Battaglia
8439	McKenzie Leigh	Day
8440	Kierra Keondra	Charles
8441	Elena Sophia	George

CAET

9883	Cinnamon M.	Lyons
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B. Winter 2018-2019 Newsletter – A proposed newsletter draft containing topics and statistics to be included in the Winter 2018-2019 newsletter was presented. Motion was made by Dr. Corley, seconded by Dr. Cataldo, to approve the newsletter as presented. Motion passed unanimously by voice vote.

C. Customer Satisfaction Questionnaire – Ms. Parrish presented a summary of the customer service questionnaire comments from October 2017 through October 2018. The majority of the responses were positive and the results will be mailed to the appropriate state agency for reporting purposes. No action was taken on this item.

D. Non-Renewed DVM Listings with Louisiana Address – Ms. Parrish presented summary of non-renewed DVM licensees with Louisiana addresses for review. No action was taken on this item.

IX. EXECUTIVE SESSION

Motion was made by Dr. Cataldo to go into executive session to discuss issues and receive legal advice regarding potential contested matters and personnel matters, seconded by Dr. Stevens, and passed unanimously by voice vote. Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Cataldo, seconded by Dr. Corley, and approved unanimously by voice vote.

A. No action taken.

XI. ADJOURN

There being no further business before the Board, motion was made by Dr. Corley, seconded by Dr. Cataldo, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 12:20 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on February 7, 2019

Keri Cataldo, DVM, Board Secretary-Treasurer